

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC, :  
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Plaintiff, :  
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-against- :  
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AAKARSH MISHRA, :  
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Defendant. :  
:  
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<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: _____ DATE FILED: 10/13/2019
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18-CV-8698(VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:


Plaintiff filed the Complaint in this copyright action against “John Doe” on September 23, 2018. (Doc. 1.) On October 3, 2018, Plaintiff filed a motion for leave to serve a third-party subpoena on the Defendant’s internet service provider (“ISP”) prior to a Rule 26(f) conference, in order to identify the “John Doe” Defendant. (Doc. 8.) By order dated October 4, 2018, I granted the motion. (Doc. 14.) Plaintiff then requested and received two extensions of time to effectuate service of the summons and amended complaint on the defendant, pending a full response from the internet service provider. (Docs. 15–18.) On March 19, 2019, Plaintiff amended its complaint to name Aakarsh Mishra as Defendant, (Doc. 19), and requested issuance of a summons against him, (Doc. 20). The summons was issued on March 20, 2019, (Doc. 22), and Plaintiff subsequently requested and received two more extensions of time to serve the Defendant. (Docs. 21–25.) On May 25, 2019, Plaintiff filed a motion to approve service on Defendant by alternate means on the basis that Defendant was avoiding service. (Docs. 26–27.) On May 28, 2019, I granted the motion and directed Plaintiff to serve Defendant within twenty-one days. (Doc. 28.)

However, since to date, Plaintiff has not filed an affidavit of service, or any other papers indicating an intent to prosecute this action. Accordingly, it is hereby:

ORDERED that on or before October 28, 2019, Plaintiff shall file an affidavit of service, or shall submit a letter explaining why this action should not be dismissed for failure to prosecute. Plaintiff is advised that failure to respond to this Order may result in dismissal of the Complaint.

SO ORDERED.

Dated: October 13, 2019  
New York, New York

  
Vernon S. Broderick  
United States District Judge